

## NATURAL RESOURCES BOARD

### MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, October 27, 2004 at Lakewoods Resort, 21540 County Road M, Cable, WI 54821. The meeting was called to order at 8:30 a.m. All October Board Agenda business was conducted by the Full Board. The meeting adjourned at 3:06 p.m.

#### ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

Gerald M. O'Brien, Chairman  
Dan Poulson, Vice-Chairman  
Jonathan Ela, Secretary  
Herb Behnke  
Christine Thomas  
Duke Welter  
Steve Willett

Welcome by Representative Gary Sherman, 74<sup>th</sup> Assembly District

1.B. Approval of minutes from September 22, 2004

**Mr. Behnke MOVED, seconded by Mr. Poulson approval of the Full Board Minutes of September 2004, as presented. The motion carried unanimously by all members.**

1.C. Approval of agenda for October 27, 2004

**Secretary Hassett** requested that item 3.B.4 be moved first to accommodate public appearance participants.

**Mr. Behnke MOVED, seconded by Mr. Willett approval of the Agenda of October 27, 2004, as amended. The motion carried unanimously by all members.**

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

**Mr. Willett MOVED, seconded by Mr. Poulson approval of the Real Estate Transactions. The motion carried unanimously by all members.**

3. Action Items

3.A. Air, Waste, and Water/Enforcement

3.A.1. Adoption of Board Order LE-40-03, revisions to NR 6, Snowmobile Sound Rule and Public Hearing Report.

**Karl Brooks**, Deputy Chief Warden, Bureau of Law Enforcement stated that the proposed rule contains a procedure for testing snowmobile exhaust noise while the snowmobile remains in a stationary position and establishes a noise level that will be used to identify excessively loud snowmobiles. Current law requires manufactured snowmobiles to comply with certain noise levels as measured by a complex test. When conducted, this test subjects riders to unsafe speeds, requires complex and costly equipment and is not suitable for field use. Wisconsin DNR, in cooperation with snowmobile manufacturers have developed a different test standard to measure snowmobile noise emissions in a stationary capacity. This test is safe, very suitable for field use and requires less costly equipment. Persons or groups impacted by this proposal would be individual snowmobile operators who have either failed to maintain their snowmobile exhaust systems or have modified the exhaust systems to be louder than the original products. Landowners will be positively impacted by the rule because law enforcement efforts are expected to reduce property owner complaints thereby reducing trail closures. Snowmobile clubs and associations will be less affected by noise issues if this rule is passed. The noise test will be available to exhaust system producers for testing products that are sold to the public. Two public hearings were held and modifications to the original rule have been made. Changes include; A revision of "Excessive and Unusual" to mean 86 dB and 90 decibels (post and pre-1975 machines respectively) and the elimination of subjectivity by citing the Society of

Automotive Engineer's Noise Standard (J2567) in the rule rather than using correction factors and the need to identify multiple surface types.

**Mr. Willett** stated there are two national trails on his property that are heavily used. He belongs to a snowmobile club. He has never heard any complaints. He asked if complaints are documented.

**Officer Brooks** stated that he doesn't have documented number of cases. He would let the public testimony address that issue. He went on to explain the two types of tests that measure sound levels of Snowmobiles: Pass-by and Stationary.

**Mr. Ela** asked how did you select 157 inches as a distance for the testing device.

**Officer Brooks** stated that is four meters converted into inches.

**Mr. Willett** asked for clarification about the pass-by test level is 78 dB and all snowmobiles that are manufactured and sold in the state must pass that. Are they tested periodically to ensure that happens?

**Officer Brooks** stated that the state doesn't go out and do periodic spot test because it's expensive, around \$2000 is for one day to test seven snowmobiles.

**Mr. Willett** stated that many interested people have contacted us. He asked why the Department can't take the snowmobiles that pass the pass-by test and run the stationary test and whatever the result is that's the decibel level.

**Officer Brooks** stated that's what we did.

**Mr. Willett** asked why are we getting complaints from the manufactures that say they can't meet the decibel level.

**Officer Brooks** stated because their machines haven't. The vast majority of their machines will pass at this stationary test level. It depends on what the level is set at. The industry will state that 88 dB is what the manufactures say they need to pass all their machines. The Department is willing to set the level at 86 dB.

**Mr. Willett** asked how serious is the spread of 2 dB between 86 and 88.

**Officer Brooks** stated that between less than 3 dB the human ear probably won't be able to disseminate whether it's louder or not. However, when we first started out with this rule process, we started at 82 dB, then 84 dB, now it's 86 dB. There is a discernable noise difference between 82 dB and 88 dB. The problem is when this goes into enforcement mode. Most courts aren't going to take an 88.1 ticket seriously. Therefore we will probably handle it with a warning. There needs some type of credibility.

**Mr. Behnke** asked about older machines and their ability to meet this decibel level.

**Officer Brooks** stated that 86 dB should cover them. We tested a 1999 machine at 77.7 dB.

**Mr. Behnke** asked about a 1995 machine.

**Officer Brooks** stated that some of those machines may be in violation. That is 9 years of exhaust deterioration and it may need some maintenance.

**Mr. Behnke** asked if older machines can be modified and how costly is that.

**Officer Brooks** stated there are after market products out there that will meet the law. There are stock products that can be purchased and replaced. The manufacturers can talk about the costs.

**Mr. Behnke** stated that he is thinking of a youngster who doesn't have the money to modify the machine. Would it cost him very much to modify the machine?

**Officer Brooks** stated I think it will pass the test.

**Mr. Ela** asked if a deteriorating exhaust system that doesn't meet the decibel test would be putting out admissions.

**Officer Brooks** stated that is a question for the manufactures. He went on to explain test results.

**Dr. Thomas** asked if faulty testing equipment was possibly used.

**Officer Brooks** stated that the testing equipment was calibrated before and after test.

**Mr. Behnke** asked what would happen when rule sunsets in two years

**Officer Brooks** stated that he hopes to establish that we made the right choice, but we can adjust it and then make it permanent.

### **Public Appearances**

**Representative Mark Pettis**, Hertel, 28<sup>th</sup> Assembly District stated there is a state initiative called Grow Wisconsin. We don't want to put hurdles in front of manufactures that are growing Wisconsin. If we put a rule package together that is going to hamper the manufacturing of some of these snowmobiles and make them illegal or out of compliance, we are not going to grow Wisconsin. But we must be considerate of the landowners where the snowmobiles cross. If 86 dB would hamper the manufacturing of snowmobiles in our state, we are not growing Wisconsin. Set the bar for this rule and then lower it if need be. This rule will sunset in two years. Let's get 90% of the loud and obnoxious sleds off the trails, but leave the manufacturer

the new ones to be manufactured and employing the people in Wisconsin. It's my recommendation as chairman of tourism committee that we leave the level at 88 dB, evaluate it in two years and then lower it if we need to. It's important to get a rule to the committee to get it in place.

**Dr. Thomas** asked if there are snowmobiles manufactured in WI.

**Rep. Pettis** stated there is a Polaris plant in Polk County that employs close to 1000 people and then all the dealers that employ people.

**Mr. Ela** stated that everyone wants a rule that is agreed to by all user groups and the manufactures. There seems to be quite a bit of evidence that almost all machines would fall under the 86 dB.

**Rep. Pettis** stated that he believes the manufacturers will give you evidence to the contrary. What if 20% of the snowmobiles today would be out of compliance? That would hinder the industry. What if we set the standard at 86 dB and other states adopt 88 dB and then someone comes to Wisconsin and gets a ticket. All other states are looking at Wisconsin to lead the way.

**Mr. Ela** asked how can a machine pass 78 dB for pass-by and fail 86 dB at stationary test. How can some machines be in the standard for one test, but then fail the other test?

**Mr. Willett** stated that the difference between 86-88 dB isn't discernable to the human ear, but it can impact the industry.

**Bill Schumann**, Manitowish Waters, supports the 88 dB level. He has been involved in this issue since the on set and believes he has done his homework. The rule can be changed or adjusted. We need this rule now.

**Dennis Weidemann**, Fitchburg, certified by Rutgers' Noise Technical Assistance Center to take community noise measurements. He supports the DNR research, however he is critical to the 86 dB is warranted. The original recommendation of 84 dB was the result of extensive study and it contains allowances that already create a sufficient buffer. It has been the standard and he urges the Board to restore the 84 dB recommendations. It's a compromise and reasonable and achievable.

**Mr. Willett** asked if Mr. Weidemann expert in transportation noise. What is the dB range for semi truck?

**Mr. Weidemann** stated at an acceleration of 30 miles is 80 dB.

**Mr. Willett** asked about airplanes.

**Mr. Weidemann** stated he didn't know, because he's not an acoustical expert. His knowledge is about noise, noise policy and community types of noise measurements.

**Mr. Ela** asked when the stationary test that is calibrated to be equivalent or slightly more lenient than the pass-by test, is it possible that some machines that pass the pass-by test would fail the stationary test.

**Mr. Weidemann** stated there is a margin of error of 2 dB, so it is possible.

**Donna White**, Cambria, President, Association of Wisconsin Snowmobile Clubs stated over the past several years the organization has remained neutral, but it became apparent that they were not ready to move forward, so we decided to take a position. After much research, thought, and deliberation we recommend the support of the 88 dB. This decision was not made to take sides; it was to do what is best for the snowmobilers of Wisconsin. There are so many factors that enter in when you measure sound. She recommended to move to the 88 dB limit in the best interest of keeping all aspects of snowmobiling in Wisconsin healthy.

**Mr. Willett** asked if there have been a number of complaints on noise.

**Ms. White** stated yes, there have been complaints from landowners in regard to sound. There are variants such as snow. There have been re-routes because of sound.

**Dr. Thomas** asked how many dB is considered an excessive level.

**Ms. White** stated she was not sure. I have one that is over 100 dB.

**Mr. Welter** asked what lead your group to go to 88 and not 86.

**Ms. White** stated that 84 dB was on the table at that time. There are so many factors such as different backgrounds, wind.

**Scott Makowski**, Menomonee Falls, Association of Wisconsin Snowmobile Clubs gave the history of the testing and deliberations with the manufactures and the Department. He reiterated that the clubs support the 88 dB. We don't want to hurt tourism in this state.

**Mr. Willett** asked if his organization was actively involved in the national testing.

**Mr. Makowski** stated that they are.

**Ed Klim**, Haslett, MI, International Snowmobile Manufacturers Association stated that snowmobile manufacturers understand the need to build the quietest possible snowmobiles. He stated that the manufacturers contract their testing out to US Testing Company. One test procedure is the SAE J-192 wide-open throttle test. All vehicles must meet the 78 dB limit. He went on to explain another test SAE J-2567 which has a level of 88 dB. The rule needs to be passed now. He asked the Board to pass 88 dB.

**Mr. Welter** asked what's the equivalent level of 78 dB on the pass-by test to the SAE J-2567.

**Mr. Klim** stated the engineers would answer that question, but the SAE J-192 and the SAE J-2567 don't correlate exactly.

**Ron Ruzewski**, Minocqua, Yamaha Motor Corp and Snowmobile Safety and Certification Committee stated Yamaha is very interested in what goes on in Wisconsin. We have two facilities here and over 50 dealers. We employ a lot of people. The goal is to address the landowners' complaints and protect our trails by removing the excessively loud snowmobilers from the trail system. By develop a test procedure that is acknowledged by the Society of Automotive Engineers (SAE) and that worked jointly with the state and other affiliates. The test can be performed quickly and easily. It is one of the tools to identify an exceptionally loud snowmobile. In January, a procedure was established that was recognized by SAE. There are many variables to consider.

**Jim Vizanko**, Roseau, MN, Polaris Industries, Senior Test Engineer stated he would like to prove that industry experts have performed the required testing requested by the Bureau of Law Enforcement using science and engineering principles. There is no clear correlation between the two tests.

**Mr. Ela** stated he I doesn't understand the different levels and how there is no correlation.

**Mr. Vizanko** stated some vehicles operate at 8000 rpm and other at 6000 rpm. It's about the number of sound sources there are. The SAE J192 procedure involves the track conditions. The stationary procedure is operated at half maximum rpms, the vehicle makes a different sound.

**Dr. Thomas** asked if none of these other factors are present, then you just have engine noise if you are stationary. Why are they coming in at higher decibel levels rather than lower?

**Mr. Vizanko** stated that because the measurement is made not at 50 feet like at the J 192 test, it's made at four meters which is approximately 12 feet. Since there is no direct correlation between the stationary and the pass-by modes to guide us in setting an appropriate level, the most logical direction to is to proceed with a testing a large sample base of current and non-current snowmobiles. Set the level high enough so the compliant J192 comply with the J 2567 level.

**Mr. Welter** asked for an explanation of the difference of why the Department's test resulted in a 78 dB level versus the industries' 87.6 dB. The Department had a third party witness. Did you have a third party?

**Mr. Vizanko** stated no, but I am expert. There was no third party witness. He then explained that they tested modified machines that tested well over 90 dB.

**Mr. O'Brien** asked what is a modified exhaust system.

**Mr. Vizanko** stated it is changed from what came out of the factory. He believes that many of the excessively noisy snowmobiles have modified exhaust systems.

**Dale Schneider**, Thief River Falls, MN, Arctic Cat gave the timeline of the noise issue. There is a certification stamp on the exhaust on sleds produced after 2002. The industry has always been at 88 dB. The Department started at 82 dB, 84 dB, then 86 dB. He doesn't understand why it can't be raised two more decibels. It isn't necessarily increase in air emissions. He stated they contracted an independent party at Michigan Tech. to test a noise source of a period of time. The machine emitted the exact same level of noise, but measured at a 7 dB difference because of environmental factors.

**Richard Klein**, Bombardier Recreation Products stated his company manufactures personal watercraft, snowmobiles, ATVs and outboard motors. There are four facilities in Wisconsin who employees 700 Wisconsin residents. There are several 100 more employees at retailers. He discussed the benefits for the economy of the state by having snowmobilers recreate here.

**Mr. O'Brien** asked if the manufactures are having a difficult time getting to 86 dB. What is the justification of going to 88 dB?

**Mr. Klein** stated he is not a sound engineer, but due to testing procedures and deterioration we feel that 88 dB takes environmental factors into consideration.

**Mr. O'Brien** asked if it is more expensive to produce at 86 dB.

**Mr. Klein** stated that it would not be attractive to the user because mechanically it's difficult with this measurement method.

**Mr. Willett** stated that regulations sometimes drive science. It's important that we look at down the line. What if we pass 88 dB now, then give you a time frame at which you need to reduce it.

**Mr. Klein** stated he is not an engineer, so I don't know if it's possible.

**Al Hogan**, Osceola, Polaris Industries stated they work with communities and universities in Wisconsin. They employ over 4000 people worldwide. They spent over \$1 million in research and development to develop our newest snowmobile. We void our warranties for modified machines.

**Mr. Willett** asked if they will be able to lower your noise level over time.

**Mr. Hogan** stated we spend a great deal of money trying to make them quieter. I don't know a time period.

**Mr. Welter** asked if they could meet the 86 dB level.

**Mr. Hogan** stated that one machine did pass.

**Mr. Welter** stated that is only one example. Is there a lower standard that you strive for?

**Mr. Hogan** stated the standard we strive for is the J 192 standard.

**Larry Keller**, Osceola, Polaris Industries stated he thinks that the DNR should set the limit at 88 dB, allow the time for the enforcement staff to become familiar the procedures and field experience using the test method. Then we can reconsider if two decibels makes a difference.

**Dr. Thomas** stated there are about ten machines in the category of 86-88 dB. She asked how they compare in popularity to the machines well under the 86 dB. What is the market share of these machines?

**Mr. Vizanko** stated that these machines are very popular.

**Tom Thornton**, Grand View stated that many of the complaints from landowners are because of noise. The lakes are loaded with snowmobiles. Many landowners that live on lake do not like the noise during the night. There are six businesses that have stick trails that can't be accessed from other directions. He believes the Board should go to 84 dB.

**Andy Malecki** Green Bay, Marinette County Snowmobile Alliance and River Riders Snowmobile Club of Marinette County stated he considers the landowners the natural resources of the trails. If we don't have the landowners, we aren't going to have a place to ride. His snowmobile is quiet. He gave examples of trail closures due to noise. He asked the Board to consider the 84 dB, perhaps with the compromise of 86 dB.

**Dennis Sorensen**, St. Germaine, Vilas and Oneida County Snowmobiler stated the snowmobile clubs bought the wardens sound guns because of this problem. The trails are being cut off in many areas because of noise. We are constantly re-routing trails to go along the shoulder of the roads because of noise complaints. He supports 84 dB perhaps 86 dB.

**Rick Steimel**, Dane, Snowmobile Recreation Council stated that 84 dB is correct, 86 dB could possibly pass. The sound issue is very real. Landowner issues are extremely real. He talks to 25 landowners on 12 miles of trail. There were three complaints on that stretch. He has talked to others and they have also complaints. He urged the Board to be cautious with what you decide for a level.

**Mr. Willett** asked for an answer to the question about how long it will take for the manufacturers to lower the decibel level.

**Ed Klim** stated he did not know.

**Mr. Poulson** stated he is concerned about the level going up further. When do we go to 90 dB? He wants to know that we are working to lower the decibel level.

**Ron Ruzewski** stated the goal to get loud snowmobiles of the trail. It won't be done with stationary test. There are other factors to consider. They asked us for a simple test that can be done in the field. This test (pass-by) is the best compromise.

**Officer Brooks** stated one of the things that has been important to the Department is the credibility of its science. The snowmobilers of Wisconsin paid for a scientist to perform the tests. He stated there could be a

reasonable explanation for some machines failing and that is the microphone was placed at 12 feet rather than the 13.1 feet standard. At 13.1 feet the levels went way down, 86 dB or less. There is confusion about variances. These are all accommodated in the standard with the +/-2 dB.

**Mr. Willett** asked what did you set out to do.

**Officer Brooks** stated the goal was to provide law enforcement officers a tool that was safe, quick, and easy to use. A tool that doesn't need a 300 yard track and correlates to pass-by test.

**Mr. Ela** stated that we are not interested in the close calls, we are interested in the real deviants. It's unlikely if the standard was at 86 dB, that a ticket would be given for 88 dB or if it's at 88 a ticket would be issued for 90 dB. What if we adopt 86 dB for the two-year period and instruct the Department that citations will not be issued between 86-88 dB.

**Officer Brooks** stated that it is officer discretion, but if 86 dB is the level, then it's the law.

**Dr. Thomas** suggested an administrative rule be written that states above 86 dB is a warning and above 88 dB is a ticket. The Landowners aren't going to be worried about the decibel level when they are irritated. There needs to be research done where the complaint areas and test those snowmobiles and see what decibel level they are at.

**Mr. Behnke** stated our responsibility is to establish a policy. That's as far as we can go. The next step of discretion is an administrative matter. It shouldn't be established in the rule. He has confidence in our LE officers that they do have discretion.

**Mr. Willett MOVED to adopt the test and procedures of the stationary test and the decibel level be set at 88.**

**Motion died for a lack of second.**

**Mr. Behnke MOVED, seconded by Mr. Welter to Adopt Board Order LE-40-03, revisions to NR 6, Snowmobile Sound Rule and Public Hearing Report with a decibel level of 86.**

**Mr. Willett** stated that Lakewoods is the number one snowmobile resort in the world. The snowmobile industry feeds the children of this area of the state. It's a serious business. The issue seems to be are we going to put the industry at risk over two decibels. That's scary. He says that on behalf of the landowners because if we don't go to 88 dB this rule will not go into place. When it goes to the legislature and tell you what they want, the legislators are going to jam this back at us and it won't go anywhere. If we want to make sure the landowners don't close the trails, and the interested parties that don't snowmobile, we need to get a rule in place.

**Mr. Welter** stated if we act set a level that's not in line with what the industry wants and if someone in the legislators isn't happy with that then we may be in a situation that this winter then the excessive noise policy. We didn't hear from the manufactures are going to move out of this state if we adopt 86 dB versus 88 dB. Their customers want quieter machines. We can encourage quieter machines by passing the 86 dB standard. The sunset date allows everyone to come back after two years with data to see how it works. He supports the 86 dB level and the test.

**Mr. Poulson** stated that he didn't hear the landowners say that 88 dB is the better level. Sound is in the ear of the beholder. 86 dB shows our integrity of trying to set a better level for everyone involved.

**Mr. Behnke** stated the level started at 82 dB because of the science, went to 84 dB, and then to 86 dB. This is a compromise already.

**Mr. Willett** stated his concern is comparing apples and oranges. The Board is concerned about the effect on landowners. There isn't a correlation between landowners and their tolerance. Officer Brooks is talking about the correlation between 78 dB pass-by test and stationary test. But because of the variables you can't correlate the two directly. We need to do something to protect the landowners. We really don't know what we want to know that is how this effects the landowners and the resource.

**The motion carried 6-1.**

3.A.2. Request authorization to hold public hearing for Board Order RR-56-4, revisions to NR 169 regarding Dry Cleaner Environmental Response Fund Rules.

**Mark Giesfeldt**, Bureau Director, Remediation and Redevelopment stated that This rule outlines the procedures for owners and operators of dry cleaner facilities or their agents to obtain reimbursement from site investigations and cleanups that are conducted under the NR 700 rule series. This rule identifies eligible

applicants and eligibility requirements for owners and operators taking immediate action, interim actions, site investigations, and remedial actions.

The rule specifies requirements for eligible actions (including bidding requirements) as well as procedures applicants must follow to obtain reimbursement. We anticipate that within this biennium, the funds available for reimbursements to dry cleaners will not be able to meet demand. The rule establishes the allocation of funds based on the environmental priority of the site (25% for high priority, 60% for medium priority, and 15% for low priority sites). Reimbursements are made within those categories based on the order in which applications are received. In addition, the rule reiterates the statutory requirements for maximum award limits and deductibles which the owner or operator of the facility must pay. The rule also reiterates statutory requirements for pollution prevention and licensing requirements for dry cleaning facilities. The rule contains cost-control measures as part of the bidding requirements for consultants conducting the response actions at dry cleaner sites. The rule revisions incorporate the new deadline for participation in the program (notification to the department must be made by August 30, 2008). The rule revisions also allow for partial reimbursements if site investigation costs exceed \$45,000, to ease the financing burden on these small businesses.

**Mr. Willett MOVED, seconded by Mr. Behnke to approval of request to hold public hearing for Board Order RR-56-4, revisions to NR 169 regarding Dry Cleaner Environmental Response Fund Rules. The motion carried unanimously by all members.**

3.B. Land Management, Recreation, and Fisheries/Wildlife

3.B.1. Request authorization to hold public hearing for Board Order FH-57-04, revisions to NR 25: Commercial Fishing in Outlying Waters.

**Mike Staggs**, Director, Fisheries and Habitat Bureau stated that under the current rules commercial whitefish trap nets must be removed from waters of Lake Michigan south of Kewaunee from June 28 through Labor Day, except in designated areas near Manitowoc and Sheboygan. Emergency order FH-49-04(E) moved the Manitowoc area several miles to the north for the summer of 2004. Board Order HF-57-04 would make that change permanent.

**Mr. Willett MOVED, seconded by Mr. Welter to approval of request authorization to hold public hearing for Board Order FH-57-04, revisions to NR 25: Commercial Fishing in Outlying Waters. The motion carried unanimously by all members.**

3.B.2. Approval of the Wisconsin Greater Prairie Chicken Management Plan 2004-2014.

**Keith Warnke**, Wildlife Biologist, Wildlife Management Bureau stated that this plan presents a comprehensive strategy to conserve and maintain a viable population of Great Prairie Chickens in Wisconsin and describes the landscape that GPC conservation will require. Long-term objectives include expanding grassland conservation in the GPC range to a total of 50,260 acres of which approximately 22,300 currently exist. It recommends adding 9,100-15,000 acres of permanent grassland over the next 10 years in a proposed project area of over 310,000 acres (<5% of the total area) and maintaining the agricultural component of the landscape. Conservation easements, purchase of development rights, land trust acquisitions, Farm Bill programs, and fee title acquisitions will be cornerstones in the success of this plan. At the end of the 10 year period, accomplishments and impacts (population status) will be reviewed and this plan will be evaluated and revised. Securing permanent grasslands to compliment and support suitable habitat on private land is the best permanent solution to the objective of maintaining GPCs in Wisconsin. This approach will benefit all other grassland obligate species, many currently endangered, threatened or rare, in central Wisconsin.

**Mr. Behnke** asked is this plan just for the Prairie Chicken.

**Mr. Warnke** stated yes, but it will benefit many other species.

**Dr. Thomas** stated she is excited about this project. The piece I am worried about is the agriculture. It is not a great area for farming. How will we do this if all agriculture in this area goes away?

**Mr. Warnke** stated we would have to take a look at that possibility and ask if we can do this plan at all.

**Mr. Behnke** asked what kinds of crops are necessary for Prairie Chickens.

**Mr. Warnke** stated there aren't any particular kinds, but grass based agriculture is the best

**Dr. Thomas** stated that urban sprawl is a major issue in this area.

**Mr. Warnke** stated that agriculture disturbs tree growth, which is necessary.

**Mr. Poulson** stated that all agriculture is important. We need to promote awareness that we are in support of 100,000 acres of farmland. We need to form an alliance with Department of Agriculture, Trade, and Consumer Protection (DATCP). Farmers don't feel supported by government we need farmers to know that we appreciate them and that we need them.

**Mr. Welter** asked what other public hunting opportunities are available in this area for upland bird, small and large game. How pheasants and how affect prairie chickens?

**Mr. Warnke** stated that the hunting opportunity is for rabbits, quail, turkey, deer, dove and pheasants. Pheasants are much more aggressive in breeding grounds and drive out the prairie chickens. If there is a lot of habitat, they can co-exist successfully.

**Dr. Thomas** stated that there is also opportunities for trout fishing in drainage ditches, waterfowl hunting, and dog training in this area.

#### **Public Appearances**

**Edward Frank**, Madison, Sharp Tail Grouse Society stated he supports prairie chicken plan. He has been an advisor to this plan. There are two findings are that reconnecting the two populations is a major item that needs support. There needs to be some genetic diversity introduced for the population to thrive.

**Rose Lahti**, Madison, The Nature Conservancy, stated the DNR's planning effort represents a great example of implementing the 50 year vision of the DNR, outlined in the Land Legacy report. She applauded the Department's planning on the landscape scale to design a network of core areas linked by corridors. The plan will also benefit other grassland birds, the prairie ecosystem, and rare prairie dependent invertebrates.

**Mr. Behnke MOVED, seconded by Mr. Willett approval of the Wisconsin Greater Prairie Chicken Management Plan 2004-2014. The motion carried unanimously by all members.**

#### 3.B.3. **Approval of the Central Wisconsin Grasslands Conservation Area Feasibility Study**

**Steve Miller**, Director, Facilities and Lands Bureau stated that at the March 2004 meeting the Board authorized the Department to study the potential expansion of grassland protection and management in Central Wisconsin. The intent was to provide expanded habitat for prairie chickens and grassland birds in this part of the state by reversing the loss and fragmentation of critical habitat in this area. Department staff have completed the feasibility study and are recommending establishing the Central Wisconsin Grassland Conservation Area (CWGCA) which seeks to protect up to 15,000 acres, through acquisitions and easements over the next 10 years. The Department also believes that maintaining significant amounts of open farmland in this area is critically important in meeting the long-term conservation needs of these species. As such the Department proposes to work with the farming community to help maintain farming as the dominant land use in this area. During the course of this feasibility study the Department, DATCP, County LCD's, and others have been engaged in exploring opportunities to coordinate and leverage a grassland/conservation land initiative in this area for the benefit of both farmers and grassland species. There is already a growing base of farmers who utilize grass based farming in this area. The Department is excited about this potential which could result in a large scale, economically viable and diverse farm landscape intermingled with grasslands that harbor healthy and viable populations of Greater Prairie Chickens and many other rare species.

**Mr. Ela** asked for comments on the adequacy of the federal funding.

**Mr. Miller** stated that the funds are authorized for the current farm bill, which expires in 2007.

**Mr. Warnke** stated the Crex grassland has been approved for 5,000 acres of permanent easements. The grassland reserve program there are ten contracts accepted for enrollment on the Buena Vista complex.

**Mr. Poulson** stated he doesn't foresee vast change in farm bill.

**Mr. Behnke MOVED, seconded by Mr. Poulson approval of the Central Wisconsin Grasslands Conservation Area Feasibility Study. The motion carried unanimously by all member.**

#### 3.B.4. **Project Expansion, White River Fishery Area, Ashland and Bayfield Counties**

**Richard Steffes**, Real Estate Director stated the Department has prepared a feasibility study to examine the boundary expansion of the White River Fishery Area. The river and its watershed are important from a recreation and ecological standpoint with an outstanding trout fishery and a wild and scenic tributary to Lake Superior.



**Mr. Willett** asked how long this project would take.

**Mr. Steffes** stated it is all willing sellers. If we have good, stable funding it would take 20 years for about 75% acquisition is an estimate.

**Mr. Ela** asked how much of a corridor back to the river.

**Mr. Steffes** stated it would be a long narrow corridor of protection.

#### **Public Appearances**

**Rep. Gary Sherman**, Port Wing, 74<sup>th</sup> District stated is a good fishing and whitewater-canoeing river. He encouraged the Board to support this project. It is already support by the Governor, local government and organizations.

**Myron Anderson**, Ashland, Friends of White River stated that because of all the private ownership, people canoeing cannot step out onto shore. The goals are to protect unique stretch of river, improve fishery and water quality, allow all state residents to enjoy the river, many landowners would like to preserve the land, but because of high taxes many sell. He would like to see this land in public ownership for everyone to enjoy.

**Bill Heart**, Ashland, Friends of the White River stated a group of landowners decided they would like to protect this land. We came up with the White River Watershed Management Plan. There was little opposition at the public meetings that were held.

**Mr. Behnke MOVED, seconded by Mr. Ela approval of Project Expansion, White River Fishery Area, Ashland and Bayfield Counties. The motion was approved unanimously by all members.**

#### 3.B.5. Land Acquisition, Lulu Lake Natural Area, Walworth County

**Mr. Poulson** asked if the Nature Conservancy owns part of this. He asked if we are more for the eastern and northern side of this area.

**Mr. Steffes** stated that's correct.

**Mr. Ela MOVED, seconded by Dr. Thomas approval of Land Acquisition, Lulu Lake Natural Area, Walworth County. The motion carried 6-1.**

#### 3.B. 6. Land Acquisition, Dorn Creek Fishery Area, Dane County

**Mr. O'Brien** asked what kind of a creek is Dorn Creek.

**Mr. Steffes** stated it can be canoed. It's not a trout stream. It's 15 feet wide.

**Mr. Welter** asked if the current public land open is to hunting and trapping.

**Mr. Steffes** stated that it's considered fishery lands.

**Mr. O'Brien** stated he has a problem with this purchase because of the price and having the state park right there and this isn't really expanding the state park.

**Mr. Steffes** stated there are trade-offs. It's fisheries land, not state park land. It would be more park-like use even though it's fishery land. We are trying to make an impact in urban areas.

**Mr. Ela** stated that if we don't buy it the land will certainly developed.

**Mr. Behnke** stated there's already a lot of development there. He agrees with Mr. O'Brien. He doesn't see the need to acquire the land.

**Mr. Welter** stated that 30 year ago the City of Middleton was considering buying both the Pleasant View Golf Course and the Pheasant Branch Marsh Conservancy. They decided not to spend the money to buy the golf course, but decided to buy the conservancy. The conservancy has benefited the urban area for the future. This is the area that is going to be developed if we don't take advantage of this purchase opportunity it will be developed.

**Mr. Welter MOVED, seconded by Mr. Ela approval of Land Acquisition, Dorn Creek Fishery Area, Dane County. The motion failed by a vote of 3-4.**

Yes

Opposed

Mr. Ela

Mr. Behnke

Mr. Welter

Mr. Willett

Dr. Thomas

Mr. Poulson

Mr. O'Brien

- 3.B. 7. Land Acquisition, Kettle Moraine State Forest - Southern Unit, Walworth County  
**Mr. Behnke MOVED, seconded by Mr. Willett approval of Land Acquisition, Kettle Moraine State Forest - Southern Unit, Walworth County. The motion carried 6-1.**
- 3.B. 8. Land Acquisition, Lower Wisconsin State Riverway, Crawford County  
**Mr. Willett MOVED, seconded by Mr. Welter approval of Land Acquisition, Lower Wisconsin State Riverway, Crawford County. The motion carried unanimously by all members.**
- 3.B.9. Land Acquisition, Ice Age Trail, Polk County  
**Mr. Behnke MOVED, seconded by Mr. Willett approval of Land Acquisition, Ice Age Trail, Polk County.**  
Mr. Ela asked if the Department trades land with counties often. He encouraged public landowners to do grant easements for free.  
Mr. Steffes stated county forests are concerned with it affecting their forestry practices. The trade was background information and not part of the transaction.
- The motion carried unanimously by all members.**
- 3.B.10. Land Acquisition, White River Fishery Area, Ashland County.  
**Mr. Willett MOVED, seconded by Mr. Welter approval of Land Acquisition, White River Fishery Area, Ashland County. The motion carried unanimously by all members.**
- 3.B.11. Easement Acquisition and Partial Donation, Statewide Natural, Brown County.  
**Mr. Willett MOVED, seconded by Mr. Poulson approval of Easement Acquisition and Partial Donation, Statewide Natural, Brown County. The motion carried unanimously by all members.**
- 4.A. Citizen Participation  
Karlyn Berg, Bovey, MN, Humane Society of the U.S. discussed Wolves in Wisconsin. She is concerned about the small population of wolves in Wisconsin. There is a low frequency of depredations and she asked the Board to study the statistics. She stated that studies have shown that lethal methods are not the way to address depredation. A hunt isn't the answer either because there are only 350 wolves and the biological carrying capacity is 500 wolves. Depredation compensation is difficult to figure out. Non lethal alternatives such as frightening devices and guard dogs are the first way of addressing depredation problems. Hunting does not control wolf populations because wolves are self-regulating. They will adjust to the biological carrying capacity.

Sayta Rhodes Conway, Madison, Defenders of Wildlife discussed Wolves in Wisconsin. She stated opening a hunting season on wolves is premature. She urged non-lethal controls and sources of funding for the wolf program. She encouraged the Board to review the science documentation from the Department that document wolf/human conflicts rather than on hearsay.

Pam Troxell, Ashland, Northland College discussed Wolves of Wisconsin. She stated that wolf education is critical. She distributed wolf education posters.

Mr. Behnke stated that market value is a fairer way to go and is what has been suggested. He thinks there is nothing further from the truth. There is a genetic guide in cattle: production traits, pedigree, milk and meat production. The breeding stock could bring a price of \$25,000. He believes that should be reconsidered in the new wolf management plan.

Mr. Welter stated he agreed with Mr. Behnke.

Mr. Poulson stated he is concerned about the agriculture people involved in the stakeholder group. He would like to make sure they are represented. He urged staff to find agriculture people to serve. We need a good, balanced mix of people.

Ms. Osterndorf stated that we can encourage them, but there is a turn off.

Steve Oestreicher Harshaw Chairman, Executive Council of the Conservation Congress stated the concerns of the Conservation Congress regarding wolves. The concerns are livestock injuries and kills with emphasis in Bayfield, Burnett, Barron, Taylor, Forest, Ashland, Price, Rusk and Chippewa counties and dog injuries

and kills with emphasis in Rusk, Iron, Douglas, Ashland, and Sawyer counties. The present wolf population is too high. There are few areas left in northern Wisconsin to train and run hunting dogs without risk to wolves. The Department has not accurately described the size of the wolf population in Wisconsin. The Conservation Congress' three recommendations are to lower wolf population goal, such as 250 wolves, pursue public harvests on wolves as soon as possible, and do a better job of accurately measuring the size and distribution of wolf population.

**Mr. Welter** asked if Mr. Oestreicher had the choice of the following two recommendations to the Conservation Congress, which one would he choose. Derailing the delisting process in order to reduce the number of wolves or stick with the present delisting process with a goal of 350.

**Mr. Oestreicher** stated that he understands the delisting process and we don't want to derail the process. The hunters and trappers won't allow the wolf to be removed completely from the landscape. However, we need a tool ready to go as soon as the delisting takes affect. We need to work together with wolf alliance and human society to get this plan in place.

5. Board Members' Matters

**Mr. Welter** requested incorporating local government officials, stakeholders, landowners, river users, and Friends of White River into the White River Management Plan.

**Ms. Osterndorf** stated that master planning is the next step.

**John Gozdziński**, Director, Northern Region stated that we are wanting to do that.

**Mr. Behnke** requested that it be turned into an addendum to the motion.

**Mr. Welter MOVED, seconded by Mr. Ela to amend the approval of Project Expansion, White River Fishery Area, Ashland and Bayfield Counties to incorporate the citizens advisory group including stakeholders, landowners, agencies, river user groups be part of the master planning process.**

**Mr. O'Brien** suggested getting a report back on that project in the future.

**The motion was approved unanimously by all members.**

**Mr. Poulson** suggested inviting someone from Farm Service Association or Natural Resources Conservation Service to discuss how land is enrolled into federal land conservation programs. This could be an information item in the future.

**Dr. Thomas** stated a Minocqua area woman called her to discuss her concern about a land trade. The woman was upset because she didn't know about this transaction before it occurred. It's important to contact the neighbors of these properties. She would like to develop a policy for land going out of the state ownership.

**Mr. Steffes** stated it may be a good idea to develop a policy on sales and trades going out of state ownership. After it's optioned, but before it comes to the Board.

**Mr. O'Brien** requested the Department develop language for a future meeting.

**Mr. Welter** asked about land the state wishes to sell and there isn't a public interest swap that is potentially taking place. He wonders if there an interest letting the adjacent landowners know it's for sale.

**Mr. Steffes** stated that is the current practice. We use brokers if it's a flat out sale on a trade. We don't want any favoritism to anybody. We use a broker so anyone who wants to bid on it can.

6. Special Committees' Reports

7. Department Secretary's Matters

7.A. Retirement Resolutions

7.A.1. Barbara Bergt-Robertson

7.A.2. Michael R. Willman

7.A.3. Rodney J. Patrick

**Mr. Welter MOVED, seconded by Mr. Ela approval of the retirement resolutions. The motion carried unanimously by all members.**

7.B. Donations

7.B.1. The Snowbelt Longbeards Chapter of the National Wild Turkey Federation will donate \$6,530 to the Bureau of Wildlife Management to help purchase a Brillion Seeder to be used in Ashland and Bayfield counties.

**Mr. Poulson MOVED, seconded by Mr. Willett approval of The Snowbelt Longbeards Chapter of the National Wild Turkey Federation donation of \$6,530 to the Bureau of Wildlife Management to help purchase a Brillion Seeder to be used in Ashland and Bayfield counties. The motion carried unanimously by all members.**

7.B.2. The Otter Street Fishing Club will donate \$35,000 to the Upper Fox – Wolf Fisheries Work Unit for the purchase of an additional electrofishing unit. ADDITION TO AGENDA

**Dr. Thomas MOVED, seconded by Mr. Welter approval of the Otter Street Fishing Club donation of \$35,000 to the Upper Fox – Wolf Fisheries Work Unit for the purchase of an additional electrofishing unit. The motion carried unanimously by all members.**

7.B.3. The Kettle Moraine Natural History Association will donate \$15,000 for forest stream restoration. ADDITION TO AGENDA

**Mr. Welter MOVED, seconded by Mr. Willett approval of the Kettle Moraine Natural History Association donation of \$15,000 for forest stream restoration. The motion carried unanimously by all members.**

7.C. Memorial Resolution

7.C.1. Low Posekany – DELETION FROM AGENDA

8. Information Items

8.A. Air, waste, and water/ enforcement

8.A.1. Warden Recruiting Update.

**Randy Stark**, Director, Law Enforcement Bureau stated that as requested by Board member Jonathan Ela, information will be presented concerning the current warden staffing levels and the cost associated with the next recruit class. He explained the reason for the current 21 vacancies. He gave a background on the hiring and training process. He also discussed the warden budget and stated they are operating at 25% less today than in 1994. He gave a warden-staffing forecast of the next 10 years.

**Mr. Ela** asked about the budget recommendation presented to the Board last month suggested recruitment of ten for the next two years. If that's the case, the deficit increases.

**Officer Stark** stated that is correct. When that proposal was put together we were conservative so we could have some sort of class. The preferable option would be to hire 15 recruits in both 2006 and 2007. It reduces the vacancy rate faster, puts more wardens in the field sooner, reduces the need to hire in 2009, maintains a high quality training program, and quality of the people we are hire.

**Mr. Ela** asked about the fixed cost not being much higher to hire 15 recruits versus 10 recruits.

**Officer Stark** stated it's the fringe that is the fluctuating cost.

**Mr. Willett** asked what is the advantage of hiring recruits that don't have law enforcement credentials.

**Officer Stark** stated that most people can't afford attending 12 weeks of law enforcement school.

**Dr. Thomas** stated that there are 130 students who minor in law enforcement at UW-Stevens Point. The University has retooled their program to include the law enforcement certification. She asked if the technical colleges are aware of this change.

**Officer Stark** stated that no we haven't had those discussions yet. This isn't excluding certified law enforcement officers.

**Dr. Thomas** stated that the Department is adding a huge expense that has been the applicant's responsibility in the past. You are hoping to create diversity in your ranks by doing that. She stated the wardens have their own culture. She asked if the wardens are prepared to make their culture less ridged and more expansive.

**Officer Stark** stated that is one of the reasons we have a hard time hiring people is because of that culture. It tends to be exclusive rather than inclusive. He added that Department of Justice, through penalty money, is able to reimburse us for each student put through the academy. We would like to include parks and forestry law enforcement recruits in the academy.

**Mr. Ela** asked when the budget comes back in December he would like to see a scenario that would increase warden classes from 10 to 15 for each of the next two years.

**Mary Schlaefer**, Executive Assistant, stated the October budget was a cost to continue budget and we were asked to submit a cut scenario budget by November 15.

**Mr. Willett** stated Department of Administration will want us to reduce our staffing numbers. Hunting and fishing licenses funds this program. Is warden class affected by the cuts? Does attrition in the warden staff count as part of the reduction?

**Secretary Hassett** stated the fee package would affect the warden recruit class. We don't have a target on position reductions yet.

**Mr. Willett** stated he doesn't understand how we will reduce staff overall. We have different sources of revenue that funds positions.

**Officer Stark** stated that the current recruit class is funded by this fiscal year.

8.B. Land management, recreation, and fisheries/wildlife

8.B.1. "Scoping Documents" for three of the new land protection projects identified in the Legacy Report Implementation Strategy.

**Steve Miller**, Director, Facilities and Lands Bureau stated that in March 2004, the Board approved the Implementation Strategy for the Land Legacy Report. Included in the implementation strategy are seven new initiatives the Department will further address during the next two to three years. At the time the Board approved the Implementation Strategy, the Department told the Board it would need to flesh out these initiatives and better describe the needs, goals and DNR role prior to conducting a feasibility study. After the Department did this, the Department would inform the Board when it was ready to begin a feasibility study. Staff has done this for the first three of these seven initiatives. Department staff will begin the feasibility study process for these areas within the next couple of months. The scoping documents describe the general goals and objectives, land and water protection strategies, potential size and anticipated partners for each project. These initiatives are presented to keep the Board informed and to provide an opportunity for the Board to review the scoping documents and offer comments that will help ensure the feasibility study process successfully considers all aspects of potentially establishing these new projects.

**Mr. Ela** asked about the conservation goals for Jefferson County Area.

**Mr. Miller** stated there are drained wetlands, remnant forest and remnant prairies. There are also recreation opportunities for the nearby large population bases.

**Mr. Willett** asked if it would be fair for us in the future when Mr. Steffes comes with a project, where it falls on the priority list.

**Mr. Miller** stated yes it would.

8.B.2. Northern Initiatives Report.

**John Gozdziwski**, Director, Northern Region stated that since 1996, staff in the Northern Region have provided the NRB with an annual update and review on the Northern Initiatives Project. This project is an outgrowth of a large public involvement effort in the mid-1990s that resulted in the NRB approval of the strategic guide, "Northern Initiatives – A strategic guide for DNR management in Northern Wisconsin 1996-2006." Major issues that emerged from this outreach included the quickening pace of change in the north, impacts of shoreline development, forest management, and DNR's role in the north. These issues guided our management efforts and projects in the north during the past 8 years. We have primarily focused on water-related activities along with forest management. Our Wild Lakes program is a success due to many partnerships. As requested by members of the NRB, this year's update and review will provide a report card on the results of the Northern Initiatives Project since its inception. There has been significant progress on several of the issues identified during the mid-90s. These issues remain relevant today. In the recent past the Department has also invested resources in response to public concern over the emerging issues of invasive species and motorized recreation. Continued focus on the Northern Initiative Project will renew the mandate that we heard from the public 8 years ago – To keep the North the North.

**Mr. O'Brien** asked if there is action that needs to be taken.

**Mr. Gozdziwski** stated we would like an endorsement from the Board to support this project.

**Mr. Willett** stated this is an important initiative item. He suggested putting it on a future agenda and vote on it.

**Mr. Behnke** stated he has been involved in this program from the beginning. They have exceeded the expectations of the Board.

**Mr. Gozdziwski** stated he would work with staff to add it to the December or January agenda for approval.